



TOP SECRET
THE SECRETARY OF DEFENSE

WASHINGTON THE DISTRICT OF COLUMBIA

UNCLASSIFIED

D 2884

EXHIBIT

CW-3

13 JUN 1983

MEMORANDUM FOR THE SECRETARY OF THE ARMY

SUBJECT: DoD Support [REDACTED] Activities (S)

(S) Your 9 May memorandum on management of DoD support to [REDACTED] activities raises significant points.

(S) I agree that the procedure whereby foreseeable and significant DoD support will henceforth be noted in the Presidential Finding, with other DoD support requirements to be cited in the scope paper, provides a solid authority for our support.

(S) Your point concerning notification to the Congressional committees is well taken. The Deputy Under Secretary of Defense for Policy (DUSD(P)) is responsible for action on these notifications after appropriate coordination with the DoD General Counsel, DoD Legislative Liaison, CIA, the Joint Staff, DIA, and the Military Departments. Our current project -- in which your representatives are participating -- to identify significant and sensitive activities to be reported to me and, if necessary, to the Congress, should assist in decisions on matters in this area. We must comply fully with all statutory and Presidential direction on such reporting. Beyond these requirements, I wish to be as diligent in informing the appropriate Congressional committees as good management and division of authority between the Legislative and Executive Branches permit. However, we must recognize the primary responsibility of the DCI concerning decisions on reporting special activities to the Congress.

(S) Internal [REDACTED] requests for DoD support I see as a matter for the [REDACTED] DUSD(P) recently discussed this and related concerns with senior personnel of [REDACTED] and was assured that [REDACTED] would review its internal coordination to ensure proper consideration of legal issues before such requests are made to DoD.

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By E. [REDACTED] [REDACTED]

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Upon Removal of Tab A

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(S) -Our current DoD process for staffing requests for operational support through the [redacted] system is proper. All such requests should be handled through the [redacted] system pursuant to DepSecDef letter, subject: Provision of [redacted], Operational and Logistic Support (U), 20 December 1979.

(S) In this connection, OSD and Joint Staff records indicate that the three examples you cited were properly handled by those offices; further details are at Tab A.

(S) Legal counsel is readily available to all participants in this process. All proposals and requests for action in these areas referred to OSD are handled by the DUSD(P). The latter's staff is especially experienced in and attuned to policy, procedural constraints, and general legal issues pertinent to these activities. In addition, in order to ensure that a complete legal review is carried out, all such requests will be referred to the Office of the DoD General Counsel for evaluation. In view of the institutionalized legal review, the establishment of additional intra-agency or interagency review procedures to evaluate and advise outside the current interagency coordination process is not necessary. An additional review process, independent of the department heads' regular policy and operations process, would be inefficient, and undermine agency heads' normal management and control.

(S) DUSD(P), with the Joint Staff, is working on a proposed Memorandum of Understanding (MOU) [redacted] and Other Support [redacted]. This MOU will be coordinated with DIA and the Military Departments. The DUSD(P) will ensure that DoD implementing instructions accompanying the MOU emphasize the need for appropriate legal counsel at each level of decision.

(S) Your memorandum raises a question about the nature and extent of [redacted] direct exploratory discussions with elements of the Military Services concerning possible support before the matter is referred to the Joint Staff and OSD through the [redacted] System. I have instructed the DUSD(P) to evaluate this process to determine if he should undertake an increased role in the early stages of the process.



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